

INTERNATIONAL SEARCH REPORT

PCT/IB2004/002751

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61M15/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/068029 A (OPTINOSE AS ; DJUPESLAND PER GISLE (NO)) 6 September 2002 (2002-09-06) page 7, line 5 - page 11, line 39 -----	1-12, 23-28, 30,34, 35, 56-58, 60-63
X	WO 03/020350 A (OPTINOSE AS ; DJUPESLAND PER GISLE (NO)) 13 March 2003 (2003-03-13) page 16, line 29 - page 19, line 31 ----- -/--	1-12, 23-28, 30, 32-37, 56-58, 60-63

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the International filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the International filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

1 April 2005

Date of mailing of the international search report

12 -05- 2005

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 008 361 A (BESPAK PLC) 14 June 2000 (2000-06-14) column 7, paragraph 38 - column 8, paragraph 41 -----	1,25-27
X	WO 00/51672 A (DJUPESLAND PER GISLE) 8 September 2000 (2000-09-08) cited in the application page 17, line 16 - page 19, line 18 -----	1-12
A	US 2001/015387 A1 (FUCHS KARL-HEINZ) 23 August 2001 (2001-08-23) page 1, right-hand column, paragraph 10 -----	1,25-27
X	US 5 113 855 A (NEWHOUSE MICHAEL T) 19 May 1992 (1992-05-19) -----	56-58, 60,63
A		1,4,6,9, 11,32
A	WO 03/000329 A (INHALE THERAPEUTIC SYST ; SMEULDERS STEPHEN (US); ALSTON WILLIAM (US)) 3 January 2003 (2003-01-03) page 8, line 2 - page 9, line 31 -----	1-12
X	WO 92/21404 A (NOVONORDISK AS) 10 December 1992 (1992-12-10) page 2, line 10 - line 12 -----	63
A		1,25-27
X	FR 2 597 331 A (DENIS ALAIN) 23 October 1987 (1987-10-23) page 3, line 24 - page 4, column 4, line 18; figure 5 -----	63
A	GB 2 367 756 A (* BESPAK PLC) 17 April 2002 (2002-04-17) ----- page 1, line 17 - page 2, line 3 -----	1,12-22, 29, 39-48, 56-63

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 64, 66
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy
2. ☒ Claims Nos.: 65, 66
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-12, 23-28, 30-38, 56-58, 60-62, 63, 64

a breath-actuated delivery device, comprising:

A) a delivery unit

B) a loading unit,
and

C) a mouthpiece

D) an air channel

E) a flexible actuation member, actuatable on exhalation

2. claims: 39-55 and 13-22, 29, 59

a delivery device, comprising:

A) a delivery unit

B) a loading unit,
and

F) a drive member, broken upon actuation

Continuation of Box II.1

Claims Nos.: 64, 66

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

Continuation of Box II.2

Claims Nos.: 65, 66

Claims 65 and 66 attempt to define their subject-matter with reference to the drawings, contrary to Rule 6.2 PCT. As these claims do not contain any technical features, they have not been searched under Article 17(2)(a)(ii) PCT.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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